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U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:06-cv-03154-JSW

Peters et al v. City of Richmond et al
Assigned to: Hon. Jeffrey S. White
Cause: 42:1983 Civil Rights Act

Date Filed: 05/11/2006
Date Terminated: 06/20/2007
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Cynthia Peters

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Plaintiff

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Plaintiff

Genevia Walker

TERMINATED: 01/12/2007

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V.

Defendant

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Defendant

Actin Chief Terry Hudson

individually and in his official capacity

represented by **Peter Alexander Urhausen**

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Acting Interim Chief Eugene McBride
individually and in his official capacity

represented by **Peter Alexander Urhausen**
 (See above for address)
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ATTORNEY TO BE NOTICED

Defendant

Chief Chris Magnus
in his official capacity

represented by **Peter Alexander Urhausen**
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ATTORNEY TO BE NOTICED

Defendant

Sgt. Hector Esparza
individually

represented by **Peter Alexander Urhausen**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Officer Llamas
individually

represented by **Peter Alexander Urhausen**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Officer D. Harris
individually

represented by **Peter Alexander Urhausen**
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Defendant

Lt. Threats
individually

represented by **Peter Alexander Urhausen**
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ATTORNEY TO BE NOTICED

Date Filed	#	clear	Docket Text
05/11/2006	1	☐	COMPLAINT; summons issued against Eugene McBride, Chris Magnus, Hector Esparza, Llamas, D. Harris, Threats, City of Richmond, Terry Hudson (Filing fee \$ 350, receipt number 3385535). Filed by Cynthia Peters, Mark Parr. (slh, COURT STAFF) (Filed on 5/11/2006) Additional attachment(s) added on 5/30/2006 (slh, COURT STAFF). (Entered: 05/15/2006)
05/11/2006	2	☐	ADR SCHEDULING ORDER: Case Management Statement due by 8/2/2006. Case Management Conference set for 8/9/2006 01:30 PM. (Attachments: # 1 Standing Order)(slh, COURT STAFF) (Filed on 5/11/2006) (Entered: 05/15/2006)

05/11/2006			CASE DESIGNATED for Electronic Filing. (slh, COURT STAFF) (Filed on 5/11/2006) (Entered: 05/15/2006)
06/13/2006	3	☐	SUMMONS Returned Executed by Cynthia Peters, Mark Parr. Eugene McBride served on 6/5/2006, answer due 6/26/2006; Chris Magnus served on 6/5/2006, answer due 6/26/2006; Hector Esparza served on 6/5/2006, answer due 6/26/2006; Llamas served on 6/5/2006, answer due 6/26/2006; D. Harris served on 6/5/2006, answer due 6/26/2006; City of Richmond served on 6/5/2006, answer due 6/26/2006; Terry Hudson served on 6/5/2006, answer due 6/26/2006. <i>Threats served 6/5/06, answer due 6/26/06</i> (Attachments: # 1)(Schwartz, Andrew) (Filed on 6/13/2006) (Entered: 06/13/2006)
06/28/2006	4	☐	STIPULATION TO EXTEND TIME TO RESPOND TO COMPLAINT by Cynthia Peters, Mark Parr, City of Richmond. (Urhausen, Peter) (Filed on 6/28/2006) (Entered: 06/28/2006)
06/29/2006	5	☐	ORDER re 4 Stipulation filed by City of Richmond,, Mark Parr,, Cynthia Peters,. Signed by Judge Edward M. Chen on 6/29/06. (bpf, COURT STAFF) (Filed on 6/29/2006) (Entered: 06/29/2006)
07/10/2006	6	☐	ANSWER to Complaint with Jury Demand byCity of Richmond. (Urhausen, Peter) (Filed on 7/10/2006) (Entered: 07/10/2006)
07/17/2006	7	☐	Declination to Proceed Before a U.S. Magistrate Judge by City of Richmond <i>and Request for Reassignment to a United States District Judge</i> . (Urhausen, Peter) (Filed on 7/17/2006) (Entered: 07/17/2006)
07/18/2006	8	☐	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (bpf, COURT STAFF) (Filed on 7/18/2006) (Entered: 07/18/2006)
07/19/2006	9	☐	ORDER REASSIGNING CASE. Case reassigned to Judge Jeffrey S. White for all further proceedings. Judge Edward M. Chen no longer assigned to the case. Signed by Executive Committee on 07/19/06. (mab, COURT STAFF) (Filed on 7/19/2006) (Entered: 07/19/2006)
07/25/2006	10	☐	INITIAL SCHEDULING CONFERENCE ORDER: Case Management Conference set for 9/8/2006 01:30 PM. Case Management Statement due by 9/1/2006.. Signed by Judge Jeffrey S. White on 7/25/06. (jjo, COURT STAFF) (Filed on 7/25/2006) (Entered: 07/25/2006)
07/26/2006	11	☐	CERTIFICATE OF SERVICE by Cynthia Peters, Mark Parr <i>of Judge Jeffrey White's Standing Orders</i> (Schwartz, Andrew) (Filed on 7/26/2006) (Entered: 07/26/2006)
08/04/2006	12	☐	ANSWER to Complaint with Jury Demand byEugene McBride, Chris Magnus, Hector Esparza, Llamas, D. Harris, Threats, Terry Hudson. (Urhausen, Peter) (Filed on 8/4/2006) (Entered: 08/04/2006)
08/18/2006	13	☐	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Urhausen, Peter) (Filed on 8/18/2006) (Entered: 08/18/2006)

08/30/2006	14	☐	JOINT CASE MANAGEMENT STATEMENT filed by Mark Parr. (Schwartz, Andrew) (Filed on 8/30/2006) (Entered: 08/30/2006)
08/31/2006	15	☐	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Schwartz, Andrew) (Filed on 8/31/2006) (Entered: 08/31/2006)
09/08/2006	16	☐	Minute Entry: Initial Case Management Conference held on 9/8/2006 before Judge Jeffrey S. White (Date Filed: 9/8/2006). (Court Reporter Joan Columbini.) (jjo, COURT STAFF) (Date Filed: 9/8/2006) (Entered: 09/08/2006)
09/11/2006			Set Deadlines/Hearings: Further Case Management Conference set for 1/19/2007 01:30 PM. Dispositive Motion Hearing set for 11/9/2007 09:00 AM. (ys, COURT STAFF) (Filed on 9/11/2006) (Entered: 09/12/2006)
09/12/2006	17	☐	NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE ORDER. A Settlement Conference is set for 12/5/2006, at 9:30 a.m. Settlement Conference Statements shall be LODGED with Chambers (NOT electronically filed) no later than 11/21/2006. Signed by Magistrate Judge Joseph C. Spero on 9/12/2006. (jcssec, COURT STAFF) (Filed on 9/12/2006) (Entered: 09/12/2006)
09/15/2006	18	☐	STATUS REPORT <i>RE: PARTIES' DETAILED DISCOVERY PLAN</i> by Cynthia Peters, Mark Parr. (Schwartz, Andrew) (Filed on 9/15/2006) (Entered: 09/15/2006)
09/15/2006	19	☐	Brief <i>Re: Production of Recorded Statements Taken During Internal Affairs Investigation</i> filed by Eugene McBride, Chris Magnus, Hector Esparza, Llamas, D. Harris, Threats, City of Richmond, Terry Hudson. (Urhausen, Peter) (Filed on 9/15/2006) (Entered: 09/15/2006)
10/06/2006	20	☐	Proposed Order <i>for Stipulated Protective Order</i> by Eugene McBride, Chris Magnus, Hector Esparza, Llamas, D. Harris, Threats, City of Richmond, Terry Hudson. (Urhausen, Peter) (Filed on 10/6/2006) (Entered: 10/06/2006)
10/10/2006	21	☐	ORDER GRANTING 20 Stipulated Protective Order. Signed by Judge Jeffrey S. White on 10/10/06. (jjo, COURT STAFF) (Filed on 10/10/2006) (Entered: 10/10/2006)
12/05/2006	22	☐	Minute Entry: A Settlement Conference was held; the case did not settle. A Further Settlement Conference is set for 1/31/2007, at 9:30 a.m. Updated Settlement Conference Statements shall be lodged with Chambers on or before 1/24/2007. (jcssec, COURT STAFF) (Date Filed: 12/5/2006) (Entered: 12/05/2006)
12/06/2006	23	☐	NOTICE AND ORDER SETTING FURTHER SETTLEMENT CONFERENCE for 1/31/2007, at 9:30 a.m. Updated Settlement Conference Statements shall be LODGED with Chambers (NOT electronically filed) no later than 1/24/2007. Signed by Magistrate Judge Joseph C. Spero on 12/6/2006. (jcssec, COURT STAFF) (Filed on 12/6/2006) (Entered: 12/06/2006)
12/18/2006	24	☐	MOTION to Related Case filed by Genevia Walker. (Swanson, Edward) (Filed on 12/18/2006) (Entered: 12/18/2006)

12/21/2006	25	☐	Proposed Order <i>and Stipulation to Continue the Case Management Conference</i> by City of Richmond. (Urhausen, Peter) (Filed on 12/21/2006) (Entered: 12/21/2006)
12/22/2006	26	☐	ORDER GRANTING STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE. Signed by Judge Jeffrey S. White on 12/22/06. (jjo, COURT STAFF) (Filed on 12/22/2006) (Entered: 12/22/2006)
12/22/2006			Set/Reset Hearings: Case Management Conference set for 2/16/2007 01:30 PM. (hdj, COURT STAFF) (Filed on 12/22/2006) (Entered: 12/28/2006)
01/04/2007	27	☐	ORDER RELATING CASE. Signed by Judge Jeffrey S. White on 1/4/07. (jjo, COURT STAFF) (Filed on 1/4/2007) (Entered: 01/04/2007)
01/12/2007	28	☐	CLERK'S NOTICE Further Case Management Conference set for 4/20/2007 01:30 PM. Case Management Statement due by 4/13/2007. (jjo, COURT STAFF) (Filed on 1/12/2007) (Entered: 01/12/2007)
01/24/2007	29	☐	CLERK'S NOTICE CONTINUING FURTHER SETTLEMENT CONFERENCE, at the request of counsel, from 1/31/2007, at 9:30 a.m., until 4/18/2007, at 9:30 a.m. Updated Settlement Conference Statements are to be LODGED with Chambers (NOT electronically filed) no later than 4/11/2007. (jcssec, COURT STAFF) (Filed on 1/24/2007) (Entered: 01/24/2007)
03/09/2007	30	☐	Proposed Order <i>and Stipulation on Trial and Other Dates</i> by City of Richmond. (Urhausen, Peter) (Filed on 3/9/2007) (Entered: 03/09/2007)
03/09/2007	31	☐	Proposed Order <i>and Stipulation Re: Case Consolidation</i> by City of Richmond. (Urhausen, Peter) (Filed on 3/9/2007) (Entered: 03/09/2007)
04/05/2007	32	☐	ORDER GRANTING 30 Stipulation re Dates. Signed by Judge Jeffrey S. White on April 5, 2007. (jswlc1, COURT STAFF) (Filed on 4/5/2007) (Entered: 04/05/2007)
04/05/2007	33	☐	ORDER GRANTING 31 Stipulation re Consolidation. Signed by Judge Jeffrey S. White on April 5, 2007. (jswlc1, COURT STAFF) (Filed on 4/5/2007) (Entered: 04/05/2007)
04/05/2007			Set/Reset Hearings: Case Management Conference set for 11/9/2007 09:00 AM. Jury Trial set for 3/3/2008 08:30 AM. Motion Hearing set for 11/9/2007 09:00 AM. Pretrial Conference set for 2/4/2008 02:00 PM. (hdj, COURT STAFF) (Filed on 4/5/2007) (Entered: 04/09/2007)
04/17/2007	34	☐	STIPULATION <i>and Order to Continue Settlement Conference</i> by Cynthia Peters, Mark Parr. (Schwartz, Andrew) (Filed on 4/17/2007) (Entered: 04/17/2007)
04/18/2007	35	☐	ORDER granting 34 Stipulation filed by Mark Parr and Cynthia Peters. The Settlement Conference previously set for 4/18/2007, at 9:30 a.m., has been continued until 4/26/2007, at 9:30 a.m. Signed by Magistrate Judge Joseph C. Spero on 4/18/2007. (jcssec, COURT STAFF) (Filed on 4/18/2007) (Entered: 04/18/2007)

04/26/2007	36	☐	Minute Entry: A Further Settlement Conference was held. Both cases settled, subject to the approval of the Municipal Pooling Authority. The terms of the settlements were placed on the record. (Court Reporter: Debra Pas) (jcssec, COURT STAFF) (Date Filed: 4/26/2007) (Entered: 04/26/2007)
06/20/2007	37	☐	STIPULATION of Dismissal <i>Rule 41(a)(1) F.R.C.P.</i> by Eugene McBride, Chris Magnus, Hector Esparza, Llamas, D. Harris, Threats, City of Richmond, Terry Hudson, Llamas, D. Harris, Threats, Terry Hudson, Eugene McBride, Chris Magnus, Hector Esparza. (Urhausen, Peter) (Filed on 6/20/2007) (Entered: 06/20/2007)

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CYNTHIA PETERS and MARK PARR,

Plaintiffs,

vs.

CITY OF RICHMOND, ACTING CHIEF
TERRY HUDSON, individually and in his
official capacity; ACTING INTERIM CHIEF
EUGENE MCBRIDE, individually and in his
official capacity; CHIEF CHRIS MAGNUS, in
his official capacity; SGT. HECTOR
ESPARZA, individually; OFFICER LLAMAS,
individually; OFFICER D. HARRIS, individually,
LT. THREEETS, individually, and DOES 1
through 50,

Defendants.

CASE NO.:

**COMPLAINT FOR DAMAGES
(Violation of Civil Rights)**

JURY TRIAL DEMANDED

JURISDICTION AND VENUE

1. This complaint alleges violations of the constitutional rights of CYNTHIA PETERS AND MARK PARR. The complaint seeks remedies pursuant to Title 42, United States Code, section 1983. Jurisdiction is conferred upon the United States District Court by Title 28, United States Code, sections 1331 and 1343. The actions giving rise to defendants' liability, as alleged in this complaint, occurred in Richmond,

1 State of California.

2 2. Plaintiffs hereby demand a jury trial in this action.

3 **IDENTIFICATION OF PARTIES**

4 3. At all times material to this Complaint, Plaintiff CYNTHIA PETERS was a
5 resident of the Northern District of California and of full age.

6 4. At all times material to this Complaint, Plaintiff MARK PARR was a
7 resident of the Northern District of California and of full age.

8 5. Defendant CITY OF RICHMOND is a public entity, duly organized and
9 existing under the laws of the State of California. Defendant CITY OF RICHMOND
10 includes the Richmond Police Department. At all times material to this Complaint, the
11 Richmond Police Department was supervised, controlled and staffed by defendant
12 CITY OF RICHMOND, its officers, agents and employees.

13 6. For some period of time, including but not limited to December 1, 2005,
14 EUGENE MCBRIDE was the Acting Interim Chief of Police of the City of Richmond.
15 As Acting Interim Chief of Police, ACTING INTERIM CHIEF MCBRIDE was an official
16 with final policy-making authority regarding the supervision, discipline, and training of
17 Police Officers for the CITY OF RICHMOND. ACTING INTERIM CHIEF MCBRIDE is
18 being sued in his individual and official capacities.

19 7. At all times relevant to this Complaint, TERRY HUDSON was the Acting
20 Chief of Police of the City of Richmond. As Acting Chief of Police, ACTING CHIEF
21 HUDSON was an official with final policy-making authority regarding the supervision,
22 discipline, and training of Police Officers for the CITY OF RICHMOND. ACTING
23 CHIEF HUDSON is being sued in his individual and official capacities.

24 8. In approximately January, 2006, defendant CHIEF CHRIS MAGNUS
25 became the Chief of Police of the City of Richmond. CHIEF MAGNUS is being sued in
26 his official capacity.

27 9. At all times relevant to this Complaint, Defendant SGT. HECTOR
28 ESPARZA was a Police Officer employed by the Richmond Police Department who

1 was acting under color of law. SGT. ESPARZA is being sued in his individual
2 capacity.

3 10. At all times relevant to this Complaint, Defendant OFFICER LLAMAS
4 was a Police Officer employed by the Richmond Police Department who was acting
5 under color of law. OFFICER LLAMAS is being sued in his individual capacity.

6 11. At all times relevant to this Complaint, Defendant OFFICER D. HARRIS
7 was a Police Officer employed by the Richmond Police Department who was acting
8 under color of law. OFFICER HARRIS is being sued in his individual capacity.

9 12. At all times relevant to this Complaint, Defendant LT. ARNOLD
10 THREETS was a Police Officer employed by the Richmond Police Department who
11 was acting under color of law. LT. THREETS is being sued in his individual capacity

12 13. Plaintiffs are ignorant of the true names and capacities of defendants
13 DOES 1 through 50, and therefore sue these defendants by such fictitious names.
14 Plaintiffs are informed and believe and thereon allege that each DOE defendant is
15 responsible in some manner for the injuries and damages suffered by plaintiffs as
16 described in this complaint. Plaintiffs will amend their complaint to state the true
17 names and capacities of defendants DOES 1 through 50 when they have been
18 ascertained. Any reference in this complaint to "defendant," "defendants," or to an
19 individually-named defendant also refers to defendants DOES 1 through 50.

20 14. Each defendant sued in this complaint acted as the agent or employee of
21 every other defendant.

22 **FACTS GIVING RISE TO THE COMPLAINT**

23 15. On July 27, 2005, Plaintiffs lived with their 1 ½ year old pit bull "Blu" in a
24 sixplex at 28 6th Street in Richmond, California. Plaintiffs bought Blu for \$120 when he
25 was three weeks old. Plaintiffs' apartment was the only one of the apartments in the
26 building with access to the back yard. The yard was surrounded by a 6' wrought iron
27 fence.

1 16. On July 27th, Plaintiffs arrived home from work at approximately 5:45
2 p.m. As they drove up to their apartment complex, they saw three officers standing in
3 front of it. Plaintiffs opened the gate to the south of the building and drove into the
4 backyard, locking the gate behind them.

5 17. Plaintiff MARK PARR let Blu out into the yard and started working in the
6 garden. At one point Blu started barking and running toward the gate to the south of
7 the building, and Plaintiff PARR looked up to see a police officer looking through the
8 fence. Plaintiff PARR asked the officer if he could help him, and the officer responded
9 “no.”

10 18. Several minutes later, Plaintiff CYNTHIA PETERS heard the front gate to
11 the north of the building open. She looked out her kitchen window and saw Blu
12 coming around the side of the building, heading toward the open gate. She yelled for
13 Blu to stay, and for the police officer she could see had opened the gate to shut it so
14 her dog wouldn't get out, and she ran outside. But instead of pulling the gate closed,
15 the officer pushed it all the way open and backed away, luring the dog out. Plaintiff
16 PETERS yelled at the officers (by now she could see two others) as she ran to her
17 dog, “he's not vicious. He doesn't bite.” But before she could reach Blu, she heard a
18 shot, and reached the front of the house to find her dog lying dead in her front yard
19 while the officers continued shooting him at least 10 more times. Plaintiffs are
20 informed and believe and on this basis allege that Defendants SGT. ESPARZA,
21 OFFICER LLAMAS, and OFFICER HARRIS are among the police officers who shot
22 their dog.

23 19. At the sound of the shots and Plaintiff PETERS' cries, Plaintiff PARR
24 came running. When he saw his dog lying on the ground he raised his hands and
25 cried, “Why'd you shoot my dog?” The next thing he knew, police officers pointed their
26 guns at him, kicked and punched him, and threw him to the ground. They handcuffed
27 him and put him into the back of a police car for approximately 45 minutes. They then
28 transported him to the police station where he was cited for a violation of PC 148,
“obstructing peace officers,” and released after spending approximately 3 hours in jail.

1 When Plaintiff PARR appeared in court, no charges had been filed. Plaintiffs are
2 informed and believe and on this basis allege that Defendants SGT. ESPARZA,
3 OFFICER LLAMAS, and OFFICER HARRIS are among the police officers who pointed
4 guns at, used excessive force against, and illegally detained Plaintiff PARR.

5 20. Shortly after the incident, Plaintiff PETERS contacted a member of the
6 Richmond City Council to complain about what had occurred at her home on July 27,
7 2005. The council member, in turn, initiated an inquiry at the Richmond Police
8 Department.

9 21. In early August, Plaintiff PETERS gave signed statements of five
10 eyewitnesses to the shooting of her dog and the assault on Plaintiff PARR to LT.
11 THREETS, who was the supervisor of the Richmond Police Department's Professional
12 Standards Unit. These statements made clear that her dog had not acted
13 aggressively and it had not been necessary for the officers to shoot her dog, and that
14 the officers had arrested and detained Mark Parr without probable cause to believe
15 that he had committed a crime.

16 22. On August 12, 2005, INTERIM CHIEF T. HUDSON wrote a
17 memorandum to the Mayor of Richmond and Members of the Richmond City Council
18 in which he stated, "This incident was investigated as per the appropriate Richmond
19 Police Department Operations Manual section and all parties involved interviewed."
20 He concluded: "Under Richmond Police Department Operations Manual Section
21 302.11, Subsection C, it is the policy of this Department to resort to the use of a
22 firearm under law when it reasonably appears to be necessary to stop a dangerous
23 animal that he/she believes is a threat to himself/herself or others. The officers were
24 justified in their weapons discharge concerning this incident."

25 23. In a letter dated December 1, 2005, ACTING CHIEF MCBRIDE informed
26 Plaintiff PETERS that her "allegation of excessive force by Sergeant Esparza, Officer
27 Llamas and Officer D. Harris was cleared as not sustained. This means there was
28 insufficient evidence to sustain the complaint." He informed her that her allegation that

1 the officers unnecessarily shot her dog "was cleared as exonerated. This means that
2 the actions taken by the officers was justified."

3 24. At no time before concluding that Plaintiffs' complaints were "cleared as
4 not sustained" did the Richmond Police Department interview Plaintiffs or the other
5 witnesses identified in the statements Plaintiff PETERS provided to LT. THREEETS.

6 25. Plaintiffs appealed the denial of their complaint to the Richmond Police
7 Commission. On February 1, 2006, the Commission found "Policy Failure."
8 Specifically, it found that the Richmond Police Department's policy regarding police
9 officers shooting dogs was deficient and in need of review and revision. The
10 Commission did not address Plaintiffs' complaints of the use of excessive force,
11 informing CYNTHIA PETERS that because she did not file her appeal within 45 days
12 of the incident, it was powerless to do so.

13 26. Plaintiffs are informed and believe and on that basis allege that
14 defendants CITY OF RICHMOND, CHIEF MAGNUS, ACTING INTERIM CHIEF
15 MCBRIDE, ACTING CHIEF HUDSON and DOES 1 through 50 failed to adequately
16 train, supervise, and discipline the police officers of the City of Richmond with respect
17 to the use of force, lawful arrest, and when it is permissible to shoot a dog.

18 27. Plaintiffs are informed and believe and on that basis allege that
19 defendants CITY OF RICHMOND, CHIEF MAGNUS, ACTING INTERIM CHIEF
20 MCBRIDE, ACTING CHIEF HUDSON and DOES 1 through 50 had actual and/or
21 constructive knowledge that the failure to adequately train, supervise, and discipline
22 police officers would cause violations of citizen's personal and constitutional rights
23 such as those that occurred in this case.

24 DAMAGES

25 28. Plaintiffs CYNTHIA PETERS and MARK PARR were physically,
26 mentally, emotionally, and financially injured and damaged as a proximate result of
27 defendants' conduct. Plaintiffs have also suffered the violation of their constitutional
28 rights, and loss of the sense of security, dignity, and pride as citizens and residents of

1 the United States of America.

2 29. The conduct of defendants was malicious, wanton, and oppressive.
3 Plaintiffs are therefore entitled to an award of punitive damages against the individually
4 named defendants.

5 30. Plaintiffs found it necessary to engage the services of private counsel to
6 vindicate their rights under the law. Plaintiffs are therefore entitled to recover all
7 attorney's fees and costs incurred in relation to this action pursuant to Title 42 United
8 States Code section 1988.

9 **FIRST CLAIM FOR RELIEF**
10 **42 U.S.C. Section 1983**
11 **(By Both Plaintiffs Against Defendants**
12 **Sgt. Esparza, Officer Llamas, Officer D. Harris**
13 **and Does 1 through 50)**

14 31. Plaintiffs CYNTHIA PETERS and MARK PARR reallege and incorporate
15 by reference paragraphs 1 through 30 as though fully set forth in this cause of action.

16 32. As a direct and proximate result of defendants' actions and omissions,
17 plaintiffs were deprived of their rights and privileges under the Fourth Amendment to
18 the United States Constitution.

19 33. Defendants SGT. ESPARZA, OFFICER LLAMAS, and OFFICER D.
20 HARRIS and DOES 1 through 50 acted under color of law in shooting plaintiffs' dog,
21 thereby depriving plaintiffs of certain constitutionally-protected rights, including but not
22 limited to the right to be free from the use of excessive force and the unnecessary
23 destruction of property by law enforcement officers, as guaranteed by the fourth
24 amendment to the United States Constitution.

25 34. Defendants acted in reckless and callous disregard for the constitutional
26 rights of plaintiffs, and with willful oppression and malice. Plaintiffs therefore seek an
27 award of punitive damages against defendants.

28 WHEREFORE, plaintiffs pray for relief as set forth below.

SECOND CLAIM FOR RELIEF
42 U.S.C. Section 1983
(By Plaintiff Mark Parr Against Defendants
Sgt. Esparza, Officer Llamas, Officer D. Harris
and Does 1 through 50)

35. Plaintiff MARK PARR realleges and incorporates by reference paragraphs 1 through 34 as though fully set forth in this cause of action.

36. As a direct and proximate result of defendants' actions and omissions, Plaintiff PARR was deprived of his rights and privileges under the Fourth Amendment to the United States Constitution.

37. Defendants SGT. ESPARZA, OFFICER LLAMAS, and OFFICER D. HARRIS and DOES 1 through 50 acted under color of law in pointing guns at plaintiff, assaulting him, arresting him, and detaining him, thereby depriving plaintiffs of certain constitutionally-protected rights, including but not limited to the right to be free from the use of excessive force and unlawful arrest and detention by law enforcement officers, as guaranteed by the fourth amendment to the United States Constitution.

38. Defendants acted in reckless and callous disregard for the constitutional rights of Plaintiff PARR, and with willful oppression and malice. Plaintiff therefore seeks an award of punitive damages against defendants.

WHEREFORE, plaintiff prays for relief as set forth below.

THIRD CLAIM FOR RELIEF
42 U.S.C. Section 1983
(By Both Plaintiffs Against Defendants City of Richmond, Acting Interim Chief
McBride, Acting Chief Hudson, Chief Magnus, Lt. Threats
and DOES 1 through 50)

39. Plaintiffs reallege and incorporate by reference paragraphs 1 through 38 as though fully set forth in this cause of action.

40. The policies, practices, acts and omissions of Defendants CITY OF RICHMOND, ACTING CHIEF MCBRIDE, ACTING CHIEF HUDSON, CHIEF MAGNUS, LT. THREETS and DOES 1 through 50, including but not limited to Richmond Police Department Section 302.11, were moving forces behind the

violations of plaintiffs' constitutional rights and the resulting damages suffered by plaintiffs.

WHEREFORE, plaintiffs pray for relief as set forth below.

FOURTH CLAIM FOR RELIEF
42 U.S.C. Section 1983
(By Both Plaintiffs Against Defendants City of Richmond, Acting Interim Chief McBride, Acting Chief Hudson, Chief Magnus, Lt. Threets and DOES 1 through 50)

41. Plaintiffs reallege and incorporate by reference paragraphs 1 through 40 as though fully set forth in this cause of action.

42. Plaintiffs are informed and believe and on that basis allege that Defendants CITY OF RICHMOND, ACTING INTERIM CHIEF MCBRIDE, ACTING CHIEF HUDSON, CHIEF MAGNUS, LT. THREETS and DOES 1 through 50 participated in the violation of plaintiffs' rights by failing to provide adequate training, supervision, discipline, and control of Richmond Police Officers with respect to constitutionally appropriate use of force, arrest and detention, and in ratifying the unlawful conduct of defendants SGT. ESPARZA, OFFICER LLAMAS, OFFICER D. HARRIS, and DOES 1 through 50, as described in this complaint, thereby acquiescing in the deprivation of plaintiffs' rights.

WHEREFORE, plaintiffs pray for relief as follows:

1. For general damages, according to proof;
2. For special damages, according to proof;
3. For pecuniary damages, according to proof;
4. For funeral and burial expenses according to proof;
5. For punitive damages against the individually-named defendants;
6. For attorneys' fees pursuant to 42 U.S.C. section 1988;
7. For costs of suit incurred herein; and
8. For such other and further relief as the court may deem just and proper.

1 Dated: May 11, 2006

CASPER, MEADOWS, SCHWARTZ & COOK

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4 By: ANDREW C. SCHWARTZ
Attorneys for Plaintiffs

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